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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Nakayama et al.

**Application No.** 09/828,301

**Filed:** April 6, 2001

**Confirmation No.** 6580

**For:** APPARATUS AND METHODS FOR  
MEASURING SURFACE PROFILES AND  
WAVEFRONT ABERRATIONS, AND  
LENS SYSTEMS COMPRISING SAME

**Examiner:** Kevin Pyo

**Art Unit:** 2878

**Attorney Reference No.** 4641-58305

ATTN: REFUND SECTION, ACCOUNTING  
DIVISION, OFFICE OF FINANCE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney  
for Applicant(s)

Date Mailed

*Donald E. Sykes*  
*Jan 5, 2004*

**REQUEST FOR REFUND**

The undersigned requests a refund of \$414.00 for an overpayment of a fee that accompanied the Amendment of October 3, 2003, in the above-referenced patent application.

The transmittal letter (**Exhibit A**) that accompanied the 10/3/03 Amendment incorrectly stated the number of pending claims as 86 claims (including 4 independent claims). The actual number of pending claims pending after entry of the 10/3/03 Amendment was 61 claims (including 3 independent claims). This is because, even though the highest-numbered claim in the 10/3/03 Amendment was claim 86, a number of other claims had been canceled either in that Amendment or in the first Amendment of April 16, 2003.

The subject application was filed on April 6, 2001, with 63 claims (including 6 independent claims) on which the filing fee was based. (A copy of the transmittal letter that accompanied the application when filed is attached hereto as **Exhibit B**.) Hence, since the application was filed with more claims (and more independent claims) than were left after entry of the 10/3/03 Amendment, it was unnecessary for Applicants to pay any claim-related fees with the 10/3/03 Amendment.

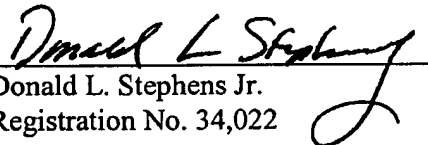
Referring back to **Exhibit A**, it is clear that the fee accompanying the 10/3/03  
Amendment was overpaid by \$414, which should be refunded.

Please mail the refund to the undersigned attorney, or credit the refund to our Deposit  
Account No. 02-4550. A copy of this document is enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

  
Donald L. Stephens Jr.  
Registration No. 34,022

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446  
cc: Client  
Docketing